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**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE  
STATE OF CALIFORNIA**

Application of Southern California Edison  
Company (U 338-E) for Approval of the Results  
of Its 2013 Local Capacity Requirements Request  
for Offers for the Moorpark Sub-Area.

A.14-11-016  
(Filed November 26, 2014)

**SOUTHERN CALIFORNIA EDISON COMPANY'S MOTION FOR LEAVE TO FILE  
THE CONFIDENTIAL VERSION OF ITS PHASE 2 OPENING BRIEF UNDER SEAL**

JANET S. COMBS  
TRISTAN REYES CLOSE

Attorneys for  
SOUTHERN CALIFORNIA EDISON COMPANY

2244 Walnut Grove Avenue  
Post Office Box 800  
Rosemead, California 91770  
Telephone: (626) 302-2883  
Facsimile: (626) 302-3990  
E-mail: Tristan.ReyesClose@sce.com

Dated: **December 1, 2016**

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Pursuant to Rules 11.1 and 11.4 of the Rules of Practice and Procedure of the California Public Utilities Commission (“Commission”), Southern California Edison Company (“SCE”) respectfully files this Motion for Leave to File the Confidential Version of its Phase 2 Opening Brief Under Seal (“Motion”). Concurrently with this Motion, SCE is filing a confidential and a public redacted version of its Phase 2 Opening Brief. SCE moves the Commission for an order granting leave to file the confidential version of its Phase 2 Opening Brief under seal.

This Motion is made pursuant to Decision (“D.”) 06-06-066, Public Utilities Code Section 454.5(g), and General Order 66-C. The confidential version of SCE’s Phase 2 Opening Brief includes grey shaded information identifying confidential bid information regarding the participating bids SCE received from counterparties in SCE’s Local Capacity Requirements (“LCR”) Request for Offers (“RFO”), confidential analysis involved in scoring and evaluating participating bids and confidential information from certain LCR RFO contracts. As explained in Section I below, the Matrix of Allowed Confidential Treatment Investor Owned Utility Data (“Matrix”) appended to D.06-06-066 provides that bid information, analysis involved in scoring and evaluating participating bids and certain contract information is confidential information, market sensitive information, and therefore must be protected from public disclosure.

Additionally, the information must be protected from public disclosure pursuant to Public Utilities Code Section 454.5(g) and General Order 66-C.

**I.**

**THE CONFIDENTIAL INFORMATION IN SCE’S PHASE 2 OPENING BRIEF IS  
PROTECTED UNDER THE MATRIX IN D.06-06-066, PUBLIC UTILITIES CODE  
SECTION 454.5(G), AND GENERAL ORDER 66-C**

In D.06-06-066, the Commission set forth the standard for designating information as confidential in Commission proceedings. As part of the decision, the Commission established the Matrix, which identifies several categories of data and the level of confidentiality granted to each category. Specifically, in D.06-06-066, the Commission stated that “[w]here a party seeks confidentiality protection for data contained in the Matrix, its burden shall be to prove that the data match the Matrix category. Once it does so, it is entitled to the protection the Matrix provides for that category.”<sup>1</sup> The Commission clarified how parties should comply with the Matrix in D.08-04-023.<sup>2</sup>

Additionally, Public Utilities Code Section 454.5(g) requires the Commission to maintain the confidentiality of “market sensitive information.” It provides: “The commission shall adopt appropriate procedures to ensure the confidentiality of any market sensitive information submitted in an electrical corporation’s proposed procurement plan or resulting from or related to its approved procurement plan, including, but not limited to, proposed or executed power purchase agreements, data request responses, or consultant reports, or any combination, provided that the Office of Ratepayer Advocates and other consumer groups that are nonmarket participants shall be provided access to this information under confidentiality procedures authorized by the commission.”

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<sup>1</sup> D.06-06-066 at Ordering Paragraph 2.

<sup>2</sup> See D.08-04-023 at 20-24.

Further, General Order 66-C requires the Commission to protect confidential information that would place a utility at an “unfair business disadvantage” if it were publicly disclosed. It categorizes as information that is “not open to public inspection,” those “[r]eports, records, and information requested or required by the Commission which, if revealed, would place the regulated company at an unfair business disadvantage.”<sup>3</sup>

As discussed above, SCE is requesting that the confidential version of SCE’s Phase 2 Opening Brief, in which the confidential information has been shaded in grey, be sealed because it includes information, specifically bid information, analysis involved in the scoring and evaluation of participating bids and information from certain LCR RFO contracts, which is confidential pursuant to the Matrix. In Exhibit SCE-11C, Appendix A, titled “Declaration of Ranbir Sekhon Regarding the Confidentiality of Certain Data,” and Exhibit SCE-12C, Appendix A, titled “Declaration of Ranbir Sekhon Regarding the Confidentiality of Certain Data,” the tables provided in the confidentiality declarations indicate where confidential information is found in SCE’s exhibits, a short description of the information, and the corresponding category in the matrix that grants confidentiality. Additionally, the grey shaded information that has been identified as confidential primarily references testimony and appendices that were previously admitted into the record as confidential at the evidentiary hearing for this proceeding on November 1-2, 2016. SCE has limited its redactions to information that is not already public, is covered by the matrix, and cannot be aggregated, redacted, summarized, masked, or otherwise protected in a way that allows partial disclosure. SCE offers the following table, which identifies the information SCE requests be sealed and the basis for SCE’s assertions.

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<sup>3</sup> General Order 66-C, Section 2.2(b).

Location/Title of Data	Matrix Category	Limitations on Confidentiality Specified in the Matrix
Bid information, analysis involved in the scoring and evaluation of participating bids from SCE's LCR RFO and LCR RFO contract information shaded in grey on pages 16 and 17	Matrix Section VIII(A) – “Competitive Solicitation (Bidding) Information – Electric – Bid information”	For bid information, total number of projects and megawatts bid by resource type public after final contracts submitted to CPUC for approval.
	Matrix Section VIII(B) – “Competitive Solicitation (Bidding) Information – Electric – Specific quantitative analysis involved in the scoring and evaluation of participating bids	Specific quantitative analysis involved in the scoring and evaluation of participating bids confidential for three years after winning bidders selected.
	Matrix Section VII (B) – “Bilateral Contract Terms and Conditions – Electric – Contracts and power purchase agreements between utilities and non-affiliated third parties (except RPS)	Contracts confidential for three years, or until one year following expiration, whichever comes first.

SCE redacted confidential bid information, confidential analysis involved in the scoring and evaluation of participating bids from SCE's LCR RFO and confidential information from certain LCR RFO contracts, which is protected under the Matrix. SCE is complying with the limitations on confidentiality specified in the Matrix for this data. SCE is only seeking confidential treatment of bid information that goes beyond the total number of projects and megawatts bid by resource type, analysis involved in the scoring and evaluation of participating bids and information from certain LCR RFO contracts from SCE's LCR RFO that is not more than three years old. This information has not been made public, and cannot be aggregated, redacted, summarized, masked or otherwise protected in a way that allows partial disclosure. The redacted confidential information is needed in SCE's Phase 2 Opening Brief.

## II.

### **CONCLUSION**

For all the foregoing reasons, SCE respectfully moves the Commission for an order directing that the confidential, market sensitive information appearing in the confidential version of SCE's Phase 2 Opening Brief, which has been redacted in the public version, shall be placed under seal and shall not be made accessible or disclosed to anyone other than Commission staff.

Respectfully submitted,

JANET S. COMBS  
TRISTAN REYES CLOSE

*/s/ Tristan Reyes Close*

By: Tristan Reyes Close

Attorneys for  
SOUTHERN CALIFORNIA EDISON COMPANY

2244 Walnut Grove Avenue  
Post Office Box 800  
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Telephone: (626) 302-2883  
Facsimile: (626) 302-2883  
E-mail: Tristan.ReyesClose@sce.com

December 1, 2016

**VERIFICATION**

I am the Director of Portfolio Planning & Analysis at Southern California Edison Company and am authorized to make this verification on its behalf. I have read the foregoing **SOUTHERN CALIFORNIA EDISON COMPANY'S (U 338 E) MOTION FOR LEAVE TO FILE THE CONFIDENTIAL VERSION OF ITS OPENING BRIEF UNDER SEAL**. I am informed and believe that the matters stated in the foregoing pleading are true.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 30<sup>th</sup> day of November, 2016, at Rosemead, California.

/s/ Ranbir Sekhon

By: Ranbir Sekhon

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A.14-11-016  
(Filed November 26, 2014)

**ADMINISTRATIVE LAW JUDGE’S [PROPOSED] RULING ON SOUTHERN  
CALIFORNIA EDISON COMPANY’S (U 338-E) MOTION FOR LEAVE TO FILE THE  
CONFIDENTIAL VERSION OF ITS PHASE 2 OPENING BRIEF UNDER SEAL**

On December 1, 2016, Southern California Edison Company (“SCE”) filed a Motion for Leave to File the Confidential Version of its Opening Brief Under Seal (“Motion”), seeking an order granting leave to file the confidential version of its concurrently filed Phase 2 Opening Brief (“Confidential Information”) under seal. In accordance with the California Public Utilities Commission’s (“Commission”) Rules of Practice and Procedure, the Commission has considered SCE’s Motion. This ruling grants SCE’s Motion.

Accordingly, it is ORDERED that:

1. SCE’s Motion is granted. The Confidential Information that SCE seeks to protect is protected by the Matrix in Decision 06-06-066, Public Utilities Code Section 454.5(g), and General Order 66-C.
2. Public disclosure of the Confidential Information that SCE seeks to protect would cause imminent and direct harm to SCE and its customers, and therefore, the Confidential Information must be protected.
3. The Confidential Information, which confidential version has been submitted under seal, shall remain under seal and shall not be made accessible or disclosed to anyone other



than Commission staff except pursuant to protective order or on the further order or ruling of the Commission, the assigned Administrative Law Judge (“ALJ”) or the ALJ then designated as Law and Motion Judge.

Dated \_\_\_\_\_, 2016, at San Francisco, California.

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Administrative Law Judge